

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MATTHEW KATZ,

Plaintiff,

v.

DAVID KATZ,

Defendant.

CASE NO. C22-5040JLR

MINUTE ORDER

The following minute order is made by the direction of the court, the Honorable James L. Robart:

Before the court is *pro se* Plaintiff Matthew Katz's response to Defendant David Katz's motion for summary judgment. (Resp. (Dkt. # 32); *see also* MSJ (Dkt. # 28).) In his response, Matthew¹ cites to his initial disclosures for evidence to oppose David's motion. (*See, e.g.*, Resp. at 2, 3, 8, 13-16.) Because initial disclosures are not to be filed

¹ For ease of reference, the court refers to the members of the Katz family by their first names. In doing so, the court means no disrespect.

1 on the docket, the court has either struck or declined to file Matthew's initial disclosures.
2 *See* Local Rules W.D. Wash. LCR 5(d) ("Rule 26 initial disclosures and discovery
3 requests and responses must not be filed unless they are used in the proceedings or the
4 court orders filing"); (*see* 4/14/22 Dkt. Entry (declining to file initial disclosures);
5 10/17/22 Dkt. Entry (striking initial disclosures)).

6 So that it may consider Matthew's supporting documents, the court ORDERS
7 Matthew to file an affidavit in support of his opposition to David's motion for summary
8 judgment, attaching as exhibits the relevant documents from his initial disclosures. *See*
9 Fed. R. Civ. P. 56(c)(4) (stating that an "affidavit or declaration used to support or
10 oppose a motion must be made on personal knowledge, set out facts that would be
11 admissible in evidence, and show that the affiant or declarant is competent to testify on
12 the matters stated"); Fed. R. Civ. P 56(e)(1) (stating that where a party fails to properly
13 support an assertion of fact, the court may give the party an opportunity to properly
14 support or address the fact). Matthew shall file this affidavit by no later than Thursday,
15 November 17, 2022.² The court also EXTENDS the deadline for David to file his reply
16 to Wednesday, November 23, 2022, so that he may consider the exhibits attached to
17 Matthew's supplemental filing. The Clerk is directed to renote David's motion for
18 summary judgment (Dkt. # 28) on November 23, 2022.

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² The court directs Matthew's attention to Local Rule 10(e)(10), which provides that "[a]ll exhibits [submitted in opposition to a motion] must be marked to designate testimony or evidence referred to in the parties' filings" and that parties "shall submit only those excerpts of the referenced exhibits that are directly germane to the matter under consideration, or necessary to provide relevant context." *See* Local Rules W.D. Wash. LCR 10(e)(10).

1 Filed and entered this 15th day of November, 2022.

2 RAVI SUBRAMANIAN
3 Clerk of Court

4 s/ Ashleigh Drecktrah
5 Deputy Clerk
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